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September 1, 2023

Via ECF

Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: *Grant Johnson v. Esports Entertainment Group, Inc.*, 1:22-cv-10861 (PGG)(KHP)
MLGB File No. 17818-00040

Dear Judge Gardephe:

We represent defendant Esports Entertainment Group, Inc. (“Defendant”) and write in connection with Plaintiff’s planned motion for summary judgment in response to the letter filed by plaintiff Grant Johnson (“Plaintiff”) on August 29, 2023.

On August 23, 2023, counsel for all parties appeared for a telephonic conference before Magistrate Judge Parker. At that time, Plaintiff’s motion to dismiss was terminated and Her Honor directed Plaintiff to answer the counterclaims. During the conference, Her Honor directed that “plaintiff submit another letter pursuant to Judge Gardephe’s rules ... just modifying the topics that you would propose be included in your motion for summary judgment.” *See also* Order dated August 24, 2023 (ECF 78) (“The Court notes that Plaintiff agreed to withdraw his letter motion for a pre-motion conference concerning a motion to dismiss the counterclaims at ECF No. 35 and incorporate these arguments in a motion for summary judgment. Therefore, the motion at ECF No. 35 is terminated. Plaintiff shall file a letter with Judge Gardephe regarding the proposed expanded motion for summary judgment.”). Plaintiff filed his answer to the counterclaims on August 29, 2023 (ECF 82).

Plaintiff’s August 29th letter notified Your Honor that Plaintiff consolidates the following two proposed motions: (i) Plaintiff’s proposed Rule 12(b) motion to dismiss Defendant’s counterclaims, raised by pre-motion letter dated June 13, 2023 (ECF 35) and (ii) Plaintiff’s proposed Rule 56 motion for summary judgment, raised by pre-motion letter dated August 9, 2023 (ECF 61).

Defendant reiterates its objections to Plaintiff’s two proposed motions and contends the

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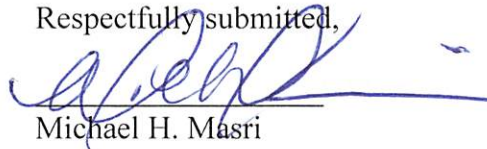
Court should not permit either motion, for the reasons set forth in: (i) Defendant's letter response to Plaintiff's proposed motion to dismiss, dated June 16, 2023 (ECF 37) and (ii) Defendant's letter response to Plaintiff's proposed motion for summary judgment dated August 14, 2023 (ECF 67).

Defendant's letter dated August 14, 2023 (ECF 67) also requests a pre-motion conference for Defendant to be granted leave to move for summary judgment declaring Esports properly terminated Plaintiff as CEO. To clarify, if the Court determines Esports properly terminated Plaintiff, the Court should grant summary judgment, among other things: (i) dismissing Plaintiff's claim for breach of the alleged employment agreement; (ii) dismissing Plaintiff's claim based on defamation, because the truth of Plaintiff's termination for cause is a defense; and (iii) granting Defendant's counterclaims for breach of contract and breach of duty of loyalty/faithless servant.

Defendant does not object to consolidating Plaintiff's two proposed motions as a single Rule 56 motion, provided the Court permits the motions to proceed following a pre-motion conference. Defendant respectfully refers the Court to Defendant's responses referenced above (ECF 37, 67) for Defendant's substantive responses to Plaintiff's arguments.

Thank you for the Court's consideration in this matter.

Respectfully submitted,



Michael H. Masri

cc: *All Counsel of Record via ECF*